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OFFICE OF PETITIONS

In re Application of :
LIN : DECISION REFUSING STATUS
Application No. 10/626,486 : UNDER 37 CFR 1.47(b)
Filed: July 24, 2003 :
Atty. Dkt. No.: SRGLT.004RA :
For: TREATMENT OF PRESBYOPIA :
AND OTHER EYE DISORDERS USING A :
SCANNING LASER SYSTEM :


This decision is in response to the renewed petition under 37 CFR 1.47(b), filed September 20, 2004.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed July 24, 2003 without an executed oath or declaration and naming Jui-Teng Lin as sole inventor. Accordingly, a Notice to File Missing Parts of Reissue Application was mailed September 3, 2003 requiring, *inter alia*, an executed oath or declaration and a surcharge. A petition under 37 CFR 1.47(b) was filed April 1, 2004 and dismissed July 15, 2004.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) a showing that such action is required to


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